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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/736,393	AUGENBRAUN ET AL.	
	Examiner	Art Unit	
	Jason P. Salce	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2006*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-9,21,22 and 24-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-9,21,22 and 24-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3, 5-9, 21-22 and 24-28 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Field does not teach any type of delay and therefore fails to teach the claimed limitation, "***delayed until a time at which the information data stream including the requested Internet-based information is to be transmitted from the network headend***". The examiner disagrees and notes that when a user requests data from a headend, that there is an inherent delay between the time the user makes the request and the time the headend transmits the Internet content, therefore, by Field teaching that a request for information from the headend occurs (see previous Office Action) a delay exists until the data is transmitted to the receiver. However, the examiner is well aware that the time involved in this delay is not being, "***determined using timing information identifying when each of said information data streams is to be transmitted from said network headend***".

However the examiner agrees that Mao does not teach using timing information identifying when each of said information data streams is to be transmitted from said network headend. Mao only knows when each event is supposed to occur and when to use the table to find an HTML page in a rotating carousel, which is constantly transmitting web pages to the receiver, therefore no time information is needed because the data is constantly being transmitted and only a simple tuning function is needed.

The examiner notes that Norsworthy reads on this limitation and a new rejection is provided below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5, 8-9, 21-22, 24 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field et al. (U.S. Patent No. 6,018,764) in view of Norsworthy et al. (U.S. Patent No. 6,144,402).

Referring to claim 1, Field discloses a system for broadcasting information over a television distribution network (see Column 3, Lines 44-47 for transmitting Internet data over broadcast channel in a television distribution network (see Figure 2 and Column 5, Lines 3-4)).

Field further discloses that the system includes a network headend (see headend 160 in Figure 2) for accessing video programming information comprising a plurality of video programs and Internet-based information from one or more sources (see Figure 2 for the headend 160 accessing information from programming services 105 and broadcast web server 108 in Figure 2), and broadcasting said video programming and Internet-based information (see headend 160 in Figure 2 for broadcasting the information), at least a portion of said Internet-based information comprising content

related to said video programs (see programming services 105 in Figure 2 and Column 5, Lines 6-9 for providing video programs to be distributed by headend 160 and Column 5, Lines 49-50 for relating the web page information to the video programs).

Field further discloses that the system includes a plurality of downstream channels interfaced to said headend for transmitting said video programming information and said Internet-based information, said plurality of downstream channels comprising a plurality of information data streams conveying said Internet-based information (see Figure 2 for the headend 160, which contains multiple downstream channels interfaced to said sources and also note Column 5, Lines 35-37 for the headend 160 distributing the video programs **and HTML data** (see Column 5, Lines 9-14) over the downstream channels).

Field further discloses that the system includes a plurality of terminal devices for receiving said downstream channels (see terminal device 180 in Figure 2 and note Column 5, Lines 23-25 for distributing the HTML data and television programs to multiple customers through headend 160).

Field further discloses that a terminal device includes a tuner for receiving and selecting said downstream channels (see Column 7, Lines 42-48 for the use of a demodulator to tune to a television frequency that contains the desired television program and/or information).

Field further discloses that a terminal device includes a terminal processor for receiving a request for at least a portion of the Internet-based information from a user (see Column 5, Lines 41-43 and Column 7, Lines 29-31 for the user providing an

information request), and in response thereto, instructing the tuner to switch from selecting one of said downstream channels on which said selected video program is transmitted to selecting, via one-way hyperlinking, one of said downstream channels on which said requested Internet-based information is being transmitted from said headend (see Column 6, Lines 15-39 for the mapping table, which contains the instructions needed to instruct the tuner/demodulator to tune to the proper channel containing the information requested by the user (also note Column 7, Lines 27-48)).

Field also discloses switching between downstream channels being delayed until a time at which one of said information data streams including said requested Internet-based information is to be transmitted from said network headend (see Column 6, Lines 15-35 for retrieving the Internet-based data from a specific frequency when requested by the user, therefore the content is delayed until the request has been processed).

Field also discloses reverting to select said one of said downstream channels on which said selected video program is being transmitted for concurrently displaying said selected video program and said requested information (see Column 7, Line 60 through Column 8, Line 16).

Field fails to disclose that said time is determined using timing information identifying when each of said information data streams is to be transmitted from said network headend.

Norsworthy discloses a system for broadcasting Internet data (such as web pages) to clients, where the server sends information to the client that allows the client to know the time and channel on which to retrieve the Internet data from the broadcast

channel (see Column 5, Lines 4-44), therefore teaching timing information identifying when each of said information data streams is to be transmitted from said network headend.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the control map, as taught by Field, using the timing information, as taught by Norsworthy, for the purpose of providing an inexpensive solution that uses the existing broadcasting infrastructure to send data to PCs which would accelerate the downloading process (see Column 2, Lines 10-15 of Norsworthy).

Referring to claim 2, Field discloses that said terminal device further includes a memory containing a channel mapping database for identifying, for each of a plurality of possible information requests received from a user, a one of said channels on which said requested information is being transmitted from said headend (see again Column 6, Lines 15-39).

Referring to claim 3, Field discloses all of the limitations in claim 2, as well as Field disclosing that said headend further includes at least a first multiplexer for multiplexing a plurality of information data streams on one of said downstream channels (see multiplexer 115 in Figure 2), each of said information data streams containing information identified by a corresponding one of said plurality of information requests (see Column 7, Lines 29-41), but fails to teach that said channel mapping database

further includes timing information identifying a time slot in a multiple time slot sequence when each of said information data streams is to be transmitted.

Norsworthy discloses a system for broadcasting Internet data (such as web pages) to clients, where the server sends information to the client that allows the client to know the time and channel on which to retrieve the Internet data from the broadcast channel (see Column 5, Lines 4-44), therefore teaching timing information identifying when each of said information data streams is to be transmitted from said network headend.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the control map, as taught by Field, using the timing information, as taught by Norsworthy, for the purpose of providing an inexpensive solution that uses the existing broadcasting infrastructure to send data to PCs which would accelerate the downloading process (see Column 2, Lines 10-15 of Norsworthy).

Referring to claim 5, Field discloses that said terminal device further includes a memory for storing said information data streams (see memory 210 in Figure 3 and Column 7, Lines 60-63), and a display manager for formatting said information for display on a video monitor interfaced to said terminal device (see combiner 250 in Figure 3 and Column 8, Lines 1-4).

Referring to claim 8, Field discloses that said requested information comprises Internet web page data, said web page having content that is related to said selected

video program that is being received by said tuner at a time that said information request is received by said terminal processor (see Column 5, Lines 41-52 and Column 8, Lines 13-16).

Referring to claim 9, Field discloses an input device for entering information requests into said terminal processor either through actuation of a button on said input device, or selection of an on-screen button displayed on a video image (see Column 7, Lines 16-26).

Referring to claim 21, see the rejection of claim 1.

Referring to claims 22 and 24, see the rejection of claims 2 and 5, respectively.

Referring to claims 27-28, see the rejection of claims 8-9, respectively.

3. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field et al. (U.S. Patent No. 6,018,764) in view of Norsworthy et al. (U.S. Patent No. 6,144,402) in further view of Bendinelli et al. (U.S. Patent No. 6,061,719).

Referring to claim 6, Field and Norsworthy disclose all of the limitations in claim 5, but fail to teach the specific method of displaying the information stored in said memory and the selected video program being a picture-in-picture mode.

Bendinelli discloses a picture-in-picture application used to display web content information and a selected television program simultaneously (see Figure 3 and Column 5, Lines 33-40).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the receiver, as taught by Field and Norsworthy, to include a PIP application, as taught by Bendinelli, for the purpose of displaying a web page in a portion of the video screen that avoids a high-level of obstruction of the video program being viewed by the user.

Referring to claim 25, see the rejection of claim 6 and further note the rejection of claim 1 (see above).

4. Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field et al. (U.S. Patent No. 6,018,764) in view of Norsworthy et al. (U.S. Patent No. 6,144,402) in further view of Mao et al. (U.S. Patent No. 6,886,178).

Referring to claim 7, Field and Norsworthy disclose all of the limitations in claim 1, and further discloses that the headend further includes an encoder for digitally encoding information data streams to be broadcast (see Column 6, Lines 7-9 for the transport stream carrying the web pages and video programs, which can be encoded using the MPEG standard, therefore Field would have to digitally encode the information streams to be broadcast if the MPEG standard is conformed to) and that the terminal device further includes a decoder for decoding said information data streams (see Column 6, Lines 54-61 and decoder 184 in Figure 2), but fails to teach that the encoder is programmed to generate a full image frame periodically to facilitate synchronization of said decoder with said encoded data stream.

Mao discloses an encoder that is programmed to generate a full image frame periodically to facilitate synchronization of said decoder with said encoded data stream (see Column 6, Lines 60-64 for transmitting the web pages and television programs in accordance with the MPEG-2 standard, which provides I, P and B frames periodically and Column 10, Lines 26-32 for the web pages being synchronized with the television programs).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the encoder, as taught by Field and Norsworthy, using the MPEG-2 encoder, as taught by Mao, for the purpose of providing a mass quantity of simultaneous Internet access requests without requiring an excessive number of simultaneous telephone connections at the remote Internet web site (see Column 3, Lines 14-17 of Mao).

Referring to claim 26, see the rejection of claim 7.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

December 6, 2006

JASON SALCE
PRIMARY PATENT EXAMINER